THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.13787 of 2005

08.11.2006

Between:

Mudunuru Sitarama Raju, S/o.Lakshmi Narayana Raju
And another

... Petitioners

AND

The Secretary to Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

... Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.13787 of 2005

ORDER:

The petitioners purchased the land admeasuring 288 and 746 Sq.yards in Survey No.1027/B4, Block No.43, Waltair Ward, Visakhapatnam District under agreements of sale dated 16.9.1998 and 15.9.1998. When the sale deed executed in favour of the petitioners was presented before the registering authority – the third respondent herein; he refused to register the documents. The reason given by the third respondent was that in view of G.O.Ms.No.657, dated 08.10.2001, transaction in respect of the subject land is prohibited as against public policy. Aggrieved by the same, the present writ petition is filed.

In **State of Rajasthan v Basant Nahata**[1], the Supreme Court struck down the provision in the Registration Act as amended by the State of Rajasthan as *ultra vires*. Following the same, a Division Bench of this Court in its judgment dated 07.12.2005 in W.P.Nos.14099 of 2003 and batch struck down Section 22-A of the Act as applicable in State of Andhra Pradesh. It is also brought to the notice of this Court that Special Leave Petition filed by the State Government against the said judgment was also dismissed by the Supreme Court on 11.8.2006. Therefore, the impugned notification is quashed.

Following the judgment of the Division Bench, this writ petition is disposed of. As and when the documents are presented by the petitioners, the Registering Authority shall accept the same for registration and if for any reasons, the same cannot be registered, record and furnish the reasons. If the petitioners are aggrieved by the order of the Registering Authority, it shall

be open to them to file appeal before the District Registrar, the second respondent herein, under Section 72 of the Act. If the Appellate Authority declines to give direction to the Registering Authority, the aggrieved person has to file a suit under Section 77 of the Act.

The writ petition, subject to the above observations, is accordingly disposed of. No costs.

November 08, 2006. (**V.V.S.RAO, J**)
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[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456